

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1288 OF 2019

Nirmala Devi Kejriwal & Ors.Petitioners
Versus
The State of Maharashtra & Anr.Respondents
Mr. A.M. Kulkarni i/b.Gaurav Sharma, Advocate for the Petitioner.
Mr. K.V. Saste, APP for the Respondent-State.
Ms. Rinki Kejriwal, Respondent No.2 in person.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 5th AUGUST, 2019.

P. C. :

1. Learned counsel for the petitioners, at the outset, seeks leave to amend the petition. Leave as prayed for is granted. Necessary amendment be carried out forthwith.
2. Heard learned counsel and learned APP appearing for the respective parties.
3. The petition is filed for quashing and setting-aside the FIR bearing C.R.No.06 of 2019 registered with M.I.D.C. Police Station, at the instance of Respondent No.2 against the petitioners, for the offences punishable under Sections 498A, 406, 506, 313, 114 read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.
4. Petitioner No.3 is the husband of Respondent No.2 and other petitioners are the relatives of Petitioner No.3 and in-laws of Respondent No.2. Matrimonial dispute between the parties gave rise to filing of civil

as well as criminal cases and the subject FIR is one of them.

5. The Respondent No.2 herself is a lawyer. She has understood the drawbacks of long-drawn litigation between the parties on both the sides and more so when the dispute is between husband and wife. During the course of the investigation, she realized that the subject FIR was filed due to misunderstanding of true and correct facts. The Respondent No.2 accordingly decided to settle the dispute between herself and the Petitioner No.3 and thereby withdraw the allegations against all the petitioners.

6. In terms of above understanding, Respondent No.2 has filed an affidavit dated 27.07.2019. In Paragraph 6 thereof, she has given her no objection for quashing and setting-aside the subject FIR against all petitioners. Respondent No.2 and Petitioner No.3 are personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She has further confirmed that that she has given no objection for quashing the subject criminal case/FIR out of free will and without there being any pressure or coercion.

7. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of

B.S.Joshi versus State of Haryana AIR 2003 SC 1386, we are of the view that quashing of the criminal proceedings would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the proceedings of the subject criminal case are required to be quashed and set-aside.

8. The writ petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]